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Minutes

BBRS Building Code Appeals Board (BCAB)

Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

Meeting Date: April 3, 2014

Meeting Time: 9:30 a.m.

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

Board Members Present:

Harry Smith, Chairman

Alexander (Sandy) MacLeod

Kevin Gallagher

Board Members Not Present:

None

There were seven (7) cases originally on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:00 p.m. One case was withdrawn. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

Guests Present:

See sign-in sheet for each case.

2. March 18, 2014 meeting minutes approved.
3. **Case Number:** 14-1359
Appellant: Mr. Vernon Woodworth
Address of Property: 1181 North Main Street, Fall River 02722
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Sections 901.3, 912.2, and 1105 of the International Existing Building Code (IEBC) wherein the Appellant sought relief from the determination that the proposed project constitutes a change in use as defined by IEBC 901.3 and that a sprinkler system is required as defined in IEBC Sections 1105 and 912.2. The building is listed on the National Historic Register.

List of Exhibits:

Exhibit 1. The application dated February 10, 2014.

Exhibit 2. A Building Report with photographs dated January 14, 2014, (14 pages).

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant the requested variance** noting that the location is a fire station listed as one of the oldest in operation in the nation, that it is listed on the National Register as an historic structure, that it is separated from the adjoining police station structure with by masonry walls with an assumed fireresistance rating of 2-hours and that at least 2-firefighters normally occupy the structure. .

4. **Case Number:** 14-1360
Appellant: Sara Lavado
Address of Property: 64 Sullivan Street, Charlestown 02129
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 705.2 wherein the appellant sought relief from projection limitations for balconies defined by the section. The appellant wished to replace an existing 32 s.f. triangular shaped deck with a 40 s.f. rectangular deck at the second floor level. The rectangle shape is in keeping with the original design.

List of Exhibits:

Exhibit 1. The application dated February 3, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Section 705.2** to allow the requested projection, noting that the new deck shape does not pose a hazard to the unit occupants for neighbors and the new rectangular deck will be constructed of pressure treated wood for better fire resistance..

5. **Case Number:** 14-1362
Appellant: Sara Lavado
Address of Property: 53 Grove Street, Wellesley 02482
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Sections 104.10 and 702.1 wherein the appellant sought relief from fire separation distance established by the section between a three and two unit residential building. The Appellant requested that Board members consider measuring the required distance from the north wall of the three unit building to the centerline of adjacent green space rather than to a lot line as required by the code.

List of Exhibits:

Exhibit 1. The application dated January 31, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to Sections 104.10 and 702.1** to allow the measurement as requested noting that the adjacent green space is under the same ownership and that appropriate fire resistance ratings protections have been incorporated into the design of the buildings.

6. **Case Number:** 14-1363
Appellant: Elio LoRusso
Address of Property: 53 Essex Street, Andover 01810
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*); Sections 1009.9 wherein the appellant sought relief from the use of an exterior spiral stair as a secondary means of egress from an existing residential space.

List of Exhibits:

Exhibit 1. The application dated February 13, 2014.

On a **MOTION** by Sandy MacLeod and **SECONDED** by Kevin Gallagher, it was **UNANIMOUSLY** voted to **grant a variance to Section 1009.9** to allow the requested spiral stair noting that available space limited the type of stair that could be constructed in the area.

7. **Case Number:** 14-1364
Appellant: George G. Lingenfelter, III
Address of Property: 13 Concord Street, Wilmington 01887
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 113.5 and 113.7 wherein the appellant sought the Board's assistance in requiring an adjacent property owner to submit appropriate plans and engineering details for a large utility structure built at the referenced address. The Appellant (an abutter of the property) sought relief from the municipal inspector's failure to act on his request to require appropriate plans and details.

List of Exhibits:

Exhibit 1. The application dated January 13, 2014.

On a **MOTION** by Kevin Gallagher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant the request** to require appropriate submission of plans and details for the project noting that work shall cease at the location until such time as the information is submitted, reviewed and approved by the municipal inspector for compliance with building and zoning codes for the area.

8. **Case Number:** 13-1271
Appellant: Donald Borenstein, Esq.
Address of Property: 205 Water Street, Haverhill 01830
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*); Sections 901.2.1 wherein the appellant sought relief from the municipal inspector's determination that the application for the mixed-use project failed to satisfy Tier One construction document requirements for the project regarding site access. The case was continued at a BCAB hearing convened on August 1, 2013 pending the outcome of a related appeal filed in land court. A December 31, 2013 ruling approving an agreement for judgment for Case No. 13 MISC 478615 was submitted as evidence of compliance with the Board's direction.

List of Exhibits:

Exhibit 1. The application dated June 13, 2013.

Exhibit 2. A letter from Greenman-Pedersen, Inc. (GPI) relating to a traffic study, site access and circulation dated February 10, 2014 (2-pages).

Exhibit 3. A list of Appellant's Exhibits relating to the case, not dated (2-pages).

On a **MOTION** by Sandy MacLeod and **SECONDED** by Harry Smith, it was voted in the **MAJORITY** to **grant the requested relief from Section 901.2.1** regarding Tier One documents noting that the Appellant has submitted appropriate documentation relating to traffic access and flow demonstrating compliance with the referenced section.

9. This meeting was adjourned at 1:00 p.m.